

**Tentative Rulings
March 20, 2023
Department 9
1:30 p.m.**

*****PLEASE NOTE ALL GUARDIANSHIP MATTERS ARE
NOW HEARD IN DEPARTMENT 9*****

NOTICE TO ALL GUARDIANS AND PETITIONERS: Due to COVID-19, phone appearances are approved by the Court and highly recommended. Further, the Court's Self Help Center is available by phone and email to assist Guardians and Petitioners. The Self Help Center does not provide assistance with Guardianships of the Estate. Please see the Court's website for updated information and contact information for the Court's Self Help Center.

Appearances will be by telephone through WebEx unless otherwise specifically ordered by the court. To appear through WebEx, please follow these instructions:

Call 1-(844) 517-1271 between 1:20 – 1:30 p.m.

The access code is 1464798527

There is no attendee ID number, so just follow verbal instructions for prompt.

Once you have gained access, wait for the court to start the calendar. Please follow these instructions once a calendar is called:

- 1. please mute your telephone until your case is called;**
- 2. please do not place the call on hold;**
- 3. minimize all background noise during your call;**
- 4. please identify yourself, each time, prior to speaking with the court;**
- 5. disconnect when the court has completed your case or cases;**
- 6. the court prohibits the recording of these proceedings.**

GUARDIANSHIPS

GUARDIANSHIP OF BRISTON BECKWITH

Case Number: 23PG-0031898

This matter is on calendar for hearing on a Petition for Guardianship of the Person of minor Briston Beckwith. The Petition was filed by the minor's maternal grandfather, Nicholas Taylor. Letters of Temporary Guardianship issued on February 17, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

No proof of service is on file. The Court Investigator informs the Court that the Petitioner intends to request dismissal of the Petition. **An appearance is necessary on today's calendar to discuss the status of the Temporary Guardianship, and for status of dismissal.**

GUARDIANSHIP OF GUYN DEEJ

Case Number: 22PG-0031814

This matter is on calendar for further proceedings on a Petition for Appointment of Guardian of the Person of minor, Guyn Deej. The Petition was filed by the minor's paternal grandparents, Bayar and Duane Babcock. Letters of Temporary Guardianship issued on November 28, 2022. The Temporary Guardianship's powers are set to expire today unless further extended.

As the Court noted in its January 1, 2023 Order, the Notice of Hearing was not served on any required party. The Court dispenses with notice to the deceased father. The minor consents to the appointment of the Petitioners. The Court notes that the remaining family lives in Mongolia. For that reason, the Court will permit service by mail of the Notice of Hearing at least 30 days prior to the continued hearing date. No proof of service of the remaining family (mother and maternal grandparents) has been filed.

The Court has reviewed the Court Investigator's report, filed December 7, 2022, which recommends granting the Petition. **An appearance is necessary on today's calendar to discuss the status of the Temporary Guardianship and status of service.**

GUARDIANSHIP OF ARTEMIS, ATHENA, AND NEMESIS EVANS-DEPINA

Case Number: 23PG-0031894

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors, Artemis, Athena, and Nemesis Evans-Depina. The Petition was filed by the minors' maternal aunt and uncle, Kathrine and Matthew Frain. Letters of Temporary Guardianship issued on February 17, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The father has been personally served. The proof of service on the mother is invalid, because it does not indicate a copy of the Petition was served. The maternal grandparents have been served by mail. The Petition does not indicate the names of the paternal grandparents, so the Court cannot determine whether they have been properly served. There is no proof of service for the siblings. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(c). Petitioner may provide proof of service of the Notice of Hearing by using the Notice of Hearing form GC-020 for service by mail, and GC-020(P) for personal service, along with a copy of the Petition. An additional Civil Proof of Service is unnecessary. The Indian Child Inquiry Attachment (Form ICWA-10(A)) has not been filed.

The Court has reviewed the Court Investigator's report, filed March 8, 2023, which recommends granting the Petition. This matter is continued to **Monday, April 17, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. Petitioner is ordered to file an Indian Child Inquiry Attachment (Form ICWA-10(A)) for each child. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF ANGELICA GALUSHA

Case Number: CVPG19-0030027

This matter is on calendar for hearing on a Final Account and Report. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order, with the exception that the Court cannot order transfer of the real property. The Inventory and Appraisal filed in this matter indicated that this property was part of the minor's estate. However, the Court has not made an independent determination of whether that characterization is correct. Petitioners have not provided any documentation regarding the current title to the real property APN: 098-120-010 and Angelica's entitlement to it. An Amended Final Account and Report or supplemental declaration and supporting documentation addressing this issue must be filed. Additionally, no proposed order has been lodged with the Court. This matter is continued to **Monday, May 22, 2023 at 1:30 p.m. in Department 9** for further proceedings on the Final Account and Report. No appearance is necessary on today's calendar.

GUARDIANSHIP OF JACK GIBSON-COTREAU

Case Number: CVPG19-0030298 This matter is on calendar for hearing on a Petition for Termination of Guardianship filed by the co-guardians/maternal grandparents Karen and Leonard Edelmann. A Notice of Hearing has been filed but it fails provide evidence that any of

the required parties were served. Each of the parties listed at Item 9, including the minor himself and excepting the Petitioners, must be served with the Notice of Hearing and Petition. They may be served by mail.

The Court has reviewed the Court Investigator's Report filed March 8, 2023, which recommends granting the Petition. This matter is continued to **Monday, May 1 2023, at 1:30 p.m. in Department 9.** Petitioner is ordered to file and serve a new Notice of Hearing with the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the party. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF PATIENCE HAWKINS

Case Number: CVPG16-0028577

This matter is on calendar for further proceedings on a Petition for Termination of Guardianship filed by the mother and the guardian. The mother's Petition has been properly noticed. The Court previously granted the request to dispense with notice to the father, siblings, paternal grandparents, and maternal grandfather. The Court has reviewed and considered the Court Investigator's Report filed on February 7, 2023 and agrees with the recommendation to grant the Petition. The Petition of Yvonne Hawkins is **GRANTED**. An Order Terminating Guardianship has been submitted and will be executed. Upon execution of the order, the clerk is instructed to close the file and vacate all future dates. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF KILBURGER, ET AL.

Case Number: 23PG-0031895

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors Bryson and Rylinn Kilburger (the Kilburger children), Carter Fulk, and Kaleb, Aleah, and Gage Bullins (Fulk/Bullins children). The Petition was filed by the paternal uncle (of the Fulk/Bullins children) Scott Bullins and his partner Alicia Martin. Letters of Temporary Guardianship issued on February 16, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The mother has been personally served. The father of the Fulk/Bullins children has been personally served. The Court will dispense with notice to the deceased father and unknown paternal grandparents of the Kilburger children, and the deceased paternal grandfather of the Fulk/Bullins children. The paternal grandmother of the Fulk/Bullins children has been served.

There is no proof of service of the Notice of Hearing for the maternal grandparents (Cheri and Carl Fulk). They may be served by mail. Prob. Code § 1511(c). The Court has reviewed the Court Investigator's report, filed March 10, 2023, which recommends granting the Petition.

This matter is continued to **Monday, May 1, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the maternal grandparents. In the alternative, if Petitioner cannot serve them, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve them, in order to permit the Court to dispense with notice. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF MOLE, ET AL.

Case Number: 22PG-0031740

This matter is on calendar for further proceedings regarding confirmation of conflict counsel, a Petition for Appointment of Guardian of the Person of Lexi, Logan, and Deklund (filed by non-relatives Jasmine La Rochelle and Travis Woosley), and possible setting for court trial. Letters of Temporary Guardianship issued on February 16, 2023, and are set to expire today unless further extended. The La Rochelle/Woosley Petition has been properly noticed. The Children's Services Addendum Report filed December 16, 2023 recommends the La Rochelle/Woosley Petition be denied.

This matter is also on calendar for hearing on a Petition for Appointment of Guardian of the Person of the minor Lexi Mole, only. This Petition was filed by the minor's paternal uncle, David Keltner. There is no proof of service on any of the required parties for this Petition. A Declaration has been filed which provides sufficient information for the Court to dispense with notice to the deceased maternal grandparents and paternal grandfather. The parents must be personally served. The paternal grandmother and sibling may be served by mail. The Court Investigator's Report, filed March 14, 2023 recommends granting this Petition. **An appearance is necessary on today's calendar to discuss the status of the Temporary Guardianship, the Petitions, and to confirm conflict counsel.**

GUARDIANSHIP OF ELIJAH MORAN

Case Number: 22PG-0031780

This matter is on calendar for confirmation of counsel and further proceedings regarding status of Petition for Appointment of Guardian of the Person filed by the minor's aunt Jennifer Britt. The Court Investigator's report filed January 13, 2023 recommends denying the Britt Petition. At the previous hearing on February 27, 2023, the Court requested an update from Child and Family Services regarding the referral, but nothing new has been filed by CFS.

Consent and waiver of notice is on file for: maternal grandfather, paternal grandmother, mother, and father. A declaration has been filed permitting the Court to dispense with notice to the unknown paternal grandfather. The Court dispenses with notice to the deceased maternal grandmother. A proof of service has been filed for the siblings, but it is invalid because page 2 is not completed (the form must be completed and signed and dated by the process server). The

siblings don't need to be served again, but Petitioner must file an Amended form that is completed and verified. **An appearance is necessary on today's calendar to confirm counsel and to provide the Court with a status of the Child and Family Services Referral.**

GUARDIANSHIP OF ARIANNA AND MADISON PARENTEAU-STUTESMAN

Case Number: 23PG-0031900

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors, Arianna and Madison Parenteau-Stutesman. The Petition was filed by the minors' maternal aunt Chyenne Stutesman. Letters of Temporary Guardianship issued on February 22, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

The only proof of service the Court has on file is for one sibling. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties (maternal and paternal grandparents, siblings) may be served by mail. Prob. Code § 1511(c). The clerk of court mailed the Notice of Child Custody Proceeding for Indian Child to the required parties. The Court Investigator has requested a continuance.

This matter is continued to **Monday, April 17, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF CALEB AND JORDAN ROACH

Case Number: CVPG19-0030269

This matter is on calendar for hearing on a Petition for Termination of Guardianship filed by the Co-Guardian, Lauren Rogers. Ms. Rogers seeks to terminate the guardianship as it relates to Co-Guardian Ross G. Rogers, II due to divorce. Mr. Rogers consents to the termination and waives notice. This matter has been properly noticed with proof of service on all living parties. The Court has reviewed and considered the Court Investigator's Report filed on January 13, 2023 and agrees with the recommendation to grant the Petition. The Petition to terminate the Guardianship of Co-Guardian Ross Rogers is **GRANTED**. An Order Terminating Guardianship has been submitted and will be executed. Lauren Rogers' Guardianship remains in full force and effect. **No appearance is necessary on today's calendar.**

GUARDIANSHIP OF SATIVA ROBINSON

Case Number: 23PG-0031893

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minor Sativa Robinson. The Petition was filed by the minor's paternal grandparents Julia and Cary Robinson. Letters of Temporary Guardianship issued on February 17, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proof of service of the Notice of Hearing for the parents, maternal grandparents, or siblings. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(c). The Court Investigator has requested a continuance.

This matter is continued to **Monday, April 17, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF ALEX ROMERO

Case Number: 23PG-0031896

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minor Alex Romero. The Petition was filed by the minor's stepmother Emily Goodwin. Letters of Temporary Guardianship issued on February 22, 2023. The Temporary Guardianship's powers are set to expire today unless further extended.

There is no proper proof of service of the Notice of Hearing for the mother, father, grandparents, or siblings. Insufficient information has been provided to permit the Court to dispense with notice to these parties. The parents must be personally served in order to move forward on the Petition. Prob. Code § 1511(b). All other parties may be served by mail. Prob. Code § 1511(c). The clerk of court mailed the Notice of Child Custody Proceeding for Indian Child to the required parties. The Court has reviewed the Court Investigator's report, filed March 14, 2023, which recommends granting the Petition.

This matter is continued to **Monday, May 8, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along

with a copy of the Petition, for the continued hearing date on the parties identified above. In the alternative, if Petitioner cannot serve the parties identified above, the Court will require a declaration explaining why they cannot be served and the efforts of Petitioner to locate and serve the parties identified, in order to permit the Court to dispense with notice to the parties. **Warning: Failure to properly effect service or provide adequate basis to dispense with service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.**

GUARDIANSHIP OF KYLER AND KALEB SMITH

Case Number: CVPG11-0027018

This matter is on calendar for further proceedings regarding status of the children, and status of the referral to Children and Family Services. The Court has been informed that the children are in the care of their parents in Oregon. The Court referred the matter to Children's Services, who have filed a Memorandum requesting a continuance to further assess the situation and gather additional information. This matter is continued to **Monday, April 24, 2023 at 1:30 p.m. in Department 9** for further proceedings regarding status of the children, and status of the referral to Children's Services.

GUARDIANSHIP OF ROLAND WILLIAMSON

Case Number: 22PG-0031843

This matter is on calendar for hearing on a Petition for Appointment of Guardian of the Person of minors Roland Williamson. The Petition was filed by the minor's maternal aunt Lyndi Henderson. Letters of Temporary Guardianship issued on February 16, 2023. The Public Defender represents the minor. The Temporary Guardianship's powers are set to expire today unless further extended.

Consent to Appointment and Waiver of Notice is on file for the mother, maternal grandmother, and sibling. The Court dispenses with notice to the deceased paternal grandparents and maternal grandfather. There is no proof of service of the Notice of Hearing for the father. Insufficient information has been provided to permit the Court to dispense with notice. The father must be personally served in order to move forward on the Petition. The Court has received a Memorandum from Children's Services indicating Ms. Henderson's home is safe and appropriate. However, no full report and recommendation on guardianship has been provided.

This matter is continued to **Monday, May 1, 2023, at 1:30 p.m. in Department 9** for further proceedings on the Petition. The Temporary Guardianship is ORDERED to remain in effect until the continued hearing date. Petitioner is ordered to file and serve a new Notice of Hearing, along with a copy of the Petition, for the continued hearing date on the father. In the alternative, if Petitioner cannot do so, the Court will require a declaration explaining why he cannot be served and the efforts of Petitioner to locate and serve him, in order to permit the Court to dispense with notice. **Warning: Failure to properly effect service or provide adequate basis to dispense with**

service as to the necessary parties will result in denial of the Petition. Notice is preserved. No appearance is necessary on today's calendar.